

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

Valuation of Security Assumption of Executory Contract or Unexpired Lease Lien Avoidance

Last revised: September 1, 2018

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re: Case No.: 17-27513
Michael Polk Judge: ABA
Debtor(s)

Chapter 13 Plan and Motions

☐ Original ☒ Modified/Notice Required Date: 06/10/2020
☐ Motions Included ☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: EJC Initial Debtor: MP Initial Co-Debtor: _____

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 490 per month to the Chapter 13 Trustee, starting on July 2020 for approximately 24 months. (60 months total)

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection ☒ NONE

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$ 3,205 plus all other
DOMESTIC SUPPORT OBLIGATION	ADMINISTRATIVE	court approved fees and costs To be paid in full outside plan by Debtor. Account is current.
IRS	INCOME TAXES	\$13,277

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ **NONE**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES
the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☐ **NONE**

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
Wells Fargo Home Mortgage & OneMain Financial	5 Kim Lane, Sicklerville, NJ	\$175,000	To be determined

f. Secured Claims Unaffected by the Plan ☐ **NONE**

The following secured claims are unaffected by the Plan:

Credit Acceptance Corp. (motor vehicle)

g. Secured Claims to be Paid in Full Through the Plan: ☒ **NONE**

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims ☐ **NONE**

a. Not separately classified allowed non-priority unsecured claims shall be paid:

☒ Not less than \$ 0 to be distributed *pro rata*

☐ Not less than _____ percent

☐ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒ **NONE**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ **NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Jenkins & Clayman
- 3) IRS
- 4) _____

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☐ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: 10/23/2017.

Explain below **why** the plan is being modified:
To amend Trustee payment and address IRS proof of claim

Explain below **how** the plan is being modified:
To amend Trustee payment and address IRS proof of claim

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, *Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: 06/10/2020

/s/ Michael Polk
Debtor

Date: _____

Joint Debtor

Date: 06/10/2020

/s/ Eric J Clayman
Attorney for Debtor(s)

United States Bankruptcy Court
District of New Jersey

In re:
Michael Polk
Debtor

Case No. 17-27513-ABA
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
Form ID: pdf901

Page 1 of 2
Total Noticed: 41

Date Rcvd: Jun 11, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 13, 2020.

db +Michael Polk, 809 Walnut Street, Camden, NJ 08103-2522
cr +WELLS FARGO BANK, NATIONAL ASSOCIATION, SUCCESSOR, Phelan Hallinan & Schmieg, PC,
400 Fellowship Road, Suite 100, Mt. Laurel, NJ 08054-3437
517086105 +AtlantiCare Regional Med Center, c/o Apex Asset Management LLC, 2501 Oregon Pike Suite 102,
Lancaster, PA 17601-4890
517035460 +Bank of New York Mellon, c/o Kristina Murtha, Esq., KML Law Group, P.C.,
216 Haddon Avenue, Suite 406, Collingswood, NJ 08108-2812
517086106 +Brian G. Howell, Esq., PO BOX 679, Hammonton, NJ 08037-0679
517035462 +Caroline Allen-Polk, c/o Camden County Probation Department,
5 Executive Campus, Ste 200, Route 70, PO Box 8107, Cherry Hill, NJ 08002-0107
517035461 +Caroline Allen-Polk, 5 Kim Lane, Sicklerville, NJ 08081-2203
517108774 +Intercoastal Financial, LLC, 7954 Transit Rd, #144, Williamsville, NY 14221-4117
517086109 +Kia Financial, PO Box 20825, Fountain Valley, CA 92728-0825
517035471 +Progressive, c/o Caine & Weiner, PO BOX 5010, Woodland Hills, CA 91365-5010
517611545 +The Bank Of New York Mellon, Robertson, Anschutz & Schneid, P.L.,
6409 Congress Avenue, Suite 100, Boca Raton, FL 33487-2853
517035473 +The Bank of New York Mellon, c/o Frenkel Lambert Weiss Wisman & Gordo,
80 Main Street, Suite 460, West Orange, NJ 07052-5414
517712932 +The Bank of New York Mellon as Trustee for Mortgag, KML Law Group, P.C.,
216 Haddon Avenue, Ste. 406, Westmont, NJ 08108-2812
518164789 +The Bank of New York Mellon, et al, c/o Reverse Mortgage Solutions, Inc.,
14405 Walters Road, Suite 200, Houston, TX 77014-1345
517086112 +The Children's Hospital of Philadelphia, Physician Billing - PB Chop, PO BOX 788017,
Philadelphia, PA 19178-8017
517035474 ++WELLS FARGO BANK NA, WELLS FARGO HOME MORTGAGE AMERICAS SERVICING,
ATTN BANKRUPTCY DEPT MAC X7801-014, 3476 STATEVIEW BLVD, FORT MILL SC 29715-7203
(address filed with court: Wells Fargo Home Mortgage, 8480 Stagecoach Circle,
Frederick, MD 21701)
517109083 +WELLS FARGO BANK, NA, et al, Phelan Hallinan Diamond & Jones, PC,
400 Fellowship Road, Suite 100, Mt. Laurel, NJ 08054-3437
517130687 +WELLS FARGO BANK, NATIONAL ASSOCIATION, Shapiro and DeNardo, LLC,
14000 Commerce Parkway, Suite B, Mount Laurel, NJ 08054-2242
517142180 Wells Fargo Bank, N.A., Default Document Processing, N9286-01Y, 1000 Blue Gentian Road,
Eagan MN 55121-7700
517138232 +Wells Fargo Bank, National Association, Successor, C/O Wells Fargo Bank, N.A.,
Attention Payment Processing, MAC# X2302-04C, 1 Home Campus, Des Moines, Iowa 50328-0001
517284990 eCAST Settlement Corporation, PO Box 29262, New York NY 10087-9262
517284991 eCAST Settlement Corporation, PO Box 29262, New York NY 10087-9262,
eCAST Settlement Corporation, PO Box 29262, New York NY 10087-9262

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usan.j.njbankr@usdoj.gov Jun 11 2020 23:06:35 U.S. Attorney, 970 Broad St.,
Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Jun 11 2020 23:06:32 United States Trustee,
Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
Newark, NJ 07102-5235
517086104 E-mail/Text: g20956@att.com Jun 11 2020 23:06:54 AT&T Mobility, PO Box 537104,
Atlanta, GA 30353-7104
517035463 +E-mail/Text: bankruptcy@consumerportfolio.com Jun 11 2020 23:06:41
Consumer Portfolio Services, PO BOX 57071, Irvine, CA 92619-7071
517035464 +E-mail/Text: ebnnotifications@creditacceptance.com Jun 11 2020 23:05:57 Credit Acceptance,
PO BOX 513, Southfield, MI 48037-0513
517035465 +E-mail/Text: ebnnotifications@creditacceptance.com Jun 11 2020 23:05:57
Credit Acceptance Corp, 25505 W 12 Mile Road, Southfield, MI 48034-8316
517086108 E-mail/Text: G06041@att.com Jun 11 2020 23:06:49 Direct TV, PO Box 11732,
Newark, NJ 07101
517086107 E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jun 11 2020 23:06:22 David's Bridal,
PO Box 659707, San Antonio, TX 78265-9707
517035466 +E-mail/Text: bankruptcynotices@cbecompanies.com Jun 11 2020 23:06:48 Directv,
c/o CBE Group, 1309 Technology Parkway, Cedar Falls, IA 50613-6976
517235413 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Jun 11 2020 23:13:08 Directv, LLC,
by American InfoSource LP as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
517035467 +E-mail/Text: GMFINANCIAL@EBN.PHINSOLUTIONS.COM Jun 11 2020 23:06:17 GM Financial,
PO BOX 181145, Arlington, TX 76096-1145
517035468 E-mail/Text: sbse.cio.bnc@mail@irs.gov Jun 11 2020 23:06:08 IRS, PO Box 7346,
Philadelphia, PA 19101-7346
517086110 +E-mail/Text: GenesisFS@ebn.phinsolutions.com Jun 11 2020 23:07:10
Mastercard Bankcard Services, PO Box 4477, Beaverton, OR 97076-4401
517086111 +E-mail/PDF: pa_dc_ed@navient.com Jun 11 2020 23:12:40 Navient - Dept of Ed Loan Servicing,
PO BOX 740351, Atlanta, GA 30374-0351
517134382 E-mail/PDF: cbp@onemainfinancial.com Jun 11 2020 23:12:52 ONEMAIN, PO BOX 3251,
EVANSVILLE, IN. 47731-3251
517035469 +E-mail/PDF: cbp@onemainfinancial.com Jun 11 2020 23:12:18 OneMain, PO BOX 1010,
Evansville, IN 47706-1010

District/off: 0312-1

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 41

Date Rcvd: Jun 11, 2020

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

517035470 +E-mail/PDF: cbp@onemainfinancial.com Jun 11 2020 23:12:49 OneMain Financial, PO Box 1010, Evansville, IN 47706-1010
517035472 +E-mail/Text: convergent@ebn.phinsolutions.com Jun 11 2020 23:06:51 PSE&G, c/o Convergent Outsourcing, 800 SW 39th Street, Renton, WA 98057-4927
517160922 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Jun 11 2020 23:13:40 Verizon, by American InfoSource LP as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
TOTAL: 19

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr* +The Bank of New York Mellon, Robertson, Anschutz & Schneid P.L., 6409 Congress Ave., Suite 100, Boca Raton, FL 33487-2853
cr* +The Bank of New York Mellon, Robertson, Anschutz & Schneid P.L., 6409 Congress Ave., Suite 100, Boca Raton, FL 33487-2853

TOTALS: 0, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 13, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 10, 2020 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor The Bank of New York Mellon as Trustee for Mortgage Equity Conversion Asset Trust 2010-1 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Denise E. Carlon on behalf of Creditor The Bank of New York Mellon As Co-Trustee for Mortgage Equity Conversion Asset Trust 2010-1 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Elizabeth L. Wassall on behalf of Creditor WELLS FARGO BANK, NATIONAL ASSOCIATION, SUCCESSOR BY MERGER TO WELLS FARGO BANK, MINNESOTA, NATIONAL ASSOCIATION, AS TRUSTEE FOR REPERFORMING LOAN REMIC TRUST CERTIFICATES, SERIES 2002-2 ewassall@logs.com, njbankruptcynotifications@logs.com
Eric Clayman on behalf of Debtor Michael Polk jenkins.clayman@verizon.net, connor@jenkinsclayman.com
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
Jane L. McDonald on behalf of Trustee Isabel C. Balboa ecf@standingtrustee.com
Jeffrey E. Jenkins on behalf of Debtor Michael Polk jenkins.clayman@verizon.net, connor@jenkinsclayman.com
Kevin Gordon McDonald on behalf of Creditor The Bank of New York Mellon as Trustee for Mortgage Equity Conversion Asset Trust 2010-1 kmcdonald@kmlawgroup.com, bkgroup@kmlawgroup.com
Kevin M. BATTERY on behalf of Creditor The Bank of New York Mellon bkyefile@rasflaw.com
Nicholas V. Rogers on behalf of Creditor WELLS FARGO BANK, NATIONAL ASSOCIATION, SUCCESSOR BY MERGER TO WELLS FARGO BANK, MINNESOTA, NATIONAL ASSOCIATION, AS TRUSTEE FOR REPERFORMING LOAN REMIC TRUST CERTIFICATES, SERIES 2002-2 nj.bkecf@fedphe.com
Sherri Jennifer Smith on behalf of Creditor WELLS FARGO BANK, NATIONAL ASSOCIATION, SUCCESSOR BY MERGER TO WELLS FARGO BANK, MINNESOTA, NATIONAL ASSOCIATION, AS TRUSTEE FOR REPERFORMING LOAN REMIC TRUST CERTIFICATES, SERIES 2002-2 nj.bkecf@fedphe.com, nj.bkecf@fedphe.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 13